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JAMES BONINI  
CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**05 APR -4 AM 11:08**

U.S. DISTRICT COURT  
SOUTHERN DIST OHIO  
WEST DIV CINCINNATI

**CIVIL ACTION NO. C-1-00-869**

MARK R. HOOP and  
LISA J. HOOP

PLAINTIFFS/  
COUNTERCLAIM DEFENDANTS

V.

**VERIFIED MOTION FOR ORDER HOLDING  
PLAINTIFF/COUNTERCLAIM DEFENDANT,  
MARK R. HOOP, IN CONTEMPT**

JEFFREY W. HOOP, STEPHEN E. HOOP, and  
HOOPSTERS ACCESSORIES, INC.

DEFENDANTS/  
COUNTERCLAIM PLAINTIFFS

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Defendants/Counterclaim Plaintiffs, Jeffrey W. Hoop, Stephen E. Hoop ("Stephen"), and Hoopsters Accessories, Inc. (collectively "Defendants"), by counsel, move the Court for an Order holding Plaintiff/Counterclaim Defendant, Mark R. Hoop ("Mark"), in contempt of this Court. As grounds for this Motion, Defendants state that:

1. In this Court's Order, which granted Defendants' oral Motion for Exclusive Possession of Equipment and was entered February 12, 2004, the Court ordered Plaintiffs to: (a) assemble the following described property: the zinc die cast mold; mold shoes; insert steels; any and all bump dies; two station trim die, if in existence; multiple station fixture; secondary operation holding fixture; wax renderings and the molds upon which the wax renderings are located; and contoured stamping die and any and all other equipment designed, developed, and/or constructed by them or any third party for them or any of their companies for the production and/or manufacturing of the eagle design motorcycle fairing guards (the "Equipment") and all eagle design motorcycle fairing guards in their possession or within

their control, whether completed or in any of the various stages of production; and (b) relinquish possession of the Equipment and all eagle design motorcycle fairing guards in their possession or within their control, whether completed or in any of the various stages of production, to Defendants, undamaged and in good and proper working order, immediately and, in no event, no later than 5:00 p.m., on Thursday, February 12, 2004, or, in the alternative, post a \$49,500.00 cash bond with the United States District Court Clerk, Southern District of Ohio, Western Division, no later than 5:00 p.m., on Thursday, February 12, 2004.

2. Plaintiffs failed to post a \$49,500.00 cash bond with the United States District Court Clerk, Southern District of Ohio, Western Division, no later than 5:00 p.m., on Thursday, February 12, 2004.
3. Pursuant to the Judgment in a Civil Case, which was entered on August 9, 2004, Mark, together with his “agents, attorneys, employees, representatives, and servants, as well as any other entity or individual in active concert or participation with” him is permanently enjoined from infringing United States Design Patent No. 428,831.
4. After February 12, 2004, but before January 10, 2005, a friend, Kevin Scott, of Stephen’s brother, Michael Hoop, went to Mark’s shop in Cincinnati, Ohio, and saw eagle fairing guards there.
5. On January 10, 2005, defense counsel performed a search for “eagle motorcycle fairing guards” and “eagle fairing guards” via the internet and was directed to links for American Aesthetics Mfg., Inc., which is a company that is wholly owned by Mark.

6. A copy of the MSN search for "EAGLE MOTORCYCLE FAIRING GUARDS," marked Exhibit A, is attached hereto.
7. A copy of the Google search for "eagle fairing guards," marked Exhibit B, is attached hereto.
8. The links state: "Original die cast metal eagle fairing guards. Protect your Harley Davidson wing tips with chrome or brass sturdy birds...." and refer people browsing the web to American Aesthetics Mfg., Inc., and Mark's web site at [www.mybadmotorscooter.com](http://www.mybadmotorscooter.com).
9. A copy of the contact and other information regarding American Aesthetics Mfg., Inc., from the web site at [www.mybadmotorscooter.com](http://www.mybadmotorscooter.com), marked Exhibit C, is attached hereto.
10. Mark has failed and/or refused to comply with the Court's Orders.
11. In fact, he has blatantly and openly violated the terms of this Court's Orders.

**WHEREFORE**, Defendants, by counsel, respectfully request the Court for an Order holding Mark in contempt of this Court.

STELLA B. HOUSE,  
ATTORNEY-AT-LAW, P.S.C.  
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(606) 598-1485

By:

Stella B. House, go  
Stella B. House, J.D.  
Co-Counsel for Defendants/  
Counterclaim Plaintiffs  
Kentucky Bar No. 81805

**VERIFICATION**

I certify that the foregoing allegations are true to the best of my knowledge and belief.

Stephen E. Hoop  
STEPHEN E. HOOP

COMMONWEALTH OF KENTUCKY

COUNTY OF CLAY

Subscribed and sworn to before me by Stephen E. Hoop on March 23, 2005.

My Commission Expires: 7-11-2006

Mauro R. Hallaw  
NOTARY PUBLIC, STATE AT LARGE

**NOTICE**

The foregoing Verified Motion for Order Holding Plaintiff/Counterclaim Defendant, Mark R. Hoop, in Contempt will be heard at the convenience of this Honorable Court.

STELLA B. HOUSE  
ATTORNEY AT LAW, P.S.C.

By: Stella B. House, go.  
Stella B. House, J.D.  
Co-Counsel for Defendants/  
Counterclaim Plaintiffs

**CERTIFICATE OF SERVICE**

I certify that an accurate copy of the Verified Motion for Order Holding Plaintiff/Counterclaim Defendant, Mark R. Hoop, in Contempt was mailed to Alfred J. Mangels, Esq., Co-Counsel for Plaintiff/Counterclaim Defendants, 4729 Cornell Road, Cincinnati, Ohio 45241, and Timothy A. Magee, Esq., Co-Counsel for Plaintiff/Counterclaim Defendants, 130 Sherman Drive, Findlay, Ohio 45840, by United States mail, postage prepaid, on March 31, 2005.

STELLA B. HOUSE  
ATTORNEY AT LAW, P.S.C.

By: Stella B. House, go.  
Stella B. House, J.D.  
Co-Counsel for Defendants/  
Counterclaim Plaintiffs